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August 11, 2023

BY ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Payamps v. City of New York, et al.
22-CV-00563 (AMD) (VMS)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants the City of New York (“City”), Mayor Bill de Blasio, Commissioner Dermot Shea, NYPD Chief of Department Terence Monahan, Police Officer Daniel Auguste, Police Officer Corey Johnson, Inspector Jesse Lance, Police Officer Matthew Erdman, Police Officer Kevin Forrester, Police Officer Matthew Lambert, Police Officer Nathaniel Lester, Sergeant Kitwane Lewis, Captain Ryon Malcolm, Detective Janelle Nerette, Deputy Inspector Kenneth Noonan, and Lieutenant Randy Shapiro (collectively “defendants”) in the above-referenced matter. Defendants write to respectfully request that their deadline to respond to plaintiff’s August 3, 2023 motion to compel be held in abeyance until August 28, 2023. Plaintiff’s counsel consents to this request.

By way of background, on August 3, 2023, plaintiff filed a motion to compel defendants to provide complete responses to plaintiff’s first set of requests for admission (See ECF No. 78). On August 8, 2023, defendants requested an enlargement of time, from August 8, 2023 to August 15, 2023, to respond to plaintiff’s motion. (See ECF No. 79). That request is still pending before the Court.

On August 9, 2023, defendants served a Rule 68 Offer of Judgment (“the Offer”) on plaintiff. Pursuant to the language of the Offer, plaintiff’s deadline to accept defendants’ Rule 68 offer is August 23, 2023. Defendants respectfully submit that it would be most efficient for the

Court to hold the deadline for defendants to respond to the motion to compel in abeyance until plaintiff has had an opportunity to respond to defendants' Offer. In the event plaintiff does not accept the Offer, defendants will file their response to plaintiff's motion to compel by August 28, 2023.

Defendants thank the Court for its consideration of this request.

Respectfully submitted,



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cc: **By ECF**

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